

# State of South Dakota

EIGHTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2010

349R0169

## HOUSE BILL NO. 1076

Introduced by: The Committee on Judiciary at the request of the Chief Justice

1 FOR AN ACT ENTITLED, An Act to repeal certain statutes related to the testimony of sex  
2 offense victims and to evidence of a victim's prior sexual conduct.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 23A-22-15 be repealed.

5 ~~— 23A-22-15. In prosecutions for a sex offense under chapter 22-22, evidence of specific~~  
6 ~~instances of a victim's prior sexual conduct shall not be admitted nor reference made thereto~~  
7 ~~before the jury or jury panel, except as provided in this section. Whenever a party proposes to~~  
8 ~~offer evidence concerning a victim's prior sexual conduct, the court shall first conduct a hearing~~  
9 ~~in the absence of the jury and the public to consider and rule upon the relevancy and materiality~~  
10 ~~of the evidence.~~

11 Section 2. That § 23A-22-15.1 be repealed.

12 ~~— 23A-22-15.1. The testimony of the complaining witness in a trial for a charge of a sex~~  
13 ~~offense under chapter 22-22 may not, merely because of the nature of that charge, be treated in~~  
14 ~~any different manner than the testimony of a complaining witness in any other criminal case.~~

